III. REMARKS

Claims 1-28 are pending in this application. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

Initially, Applicants thank the Examiner for the telephone interview of March 13, 2006, with their representative, Hunter E. Webb. No proposed amendment was submitted in advance of the interview. In the interview, Applicants' representative discussed with the Examiner perceived differences between the Pulsipher reference and the claimed invention. For example, while Pulsipher gathers information from communications as they are transferred over the network, the claimed invention communicates with each device to retrieve information from each device. This information may be collected at predetermined scheduled times. Furthermore, the claimed invention, in addition to collecting information about what devices are on the network and their addresses, also collects detail information, such as device characteristics (e.g., how much RAM the workstations have), what software is on each device, and software characteristics (e.g., software version). As such, the way in which the claimed invention collects information and the type of information collected, *inter alia*, serve to distinguish it from Pulsipher. No agreement was reached.

In the Office Action, claims 1-28 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 1-3, 6-7, 10-13, 15-19, 22-25

09/816,624   Page 10 of 18

and 28 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Pulsipher *et al.* (U.S. Patent No. 5,948,055), hereafter "Pulsipher." Claims 4-5, 8-9, 14, 20-21 and 26-27 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Pulsipher in view of Steele *et al.* (U.S. Patent No. 6,282,175), hereafter "Steele."

A. REJECTION OF CLAIMS 1-28 UNDER 35 U.S.C. §112, FIRST PARAGRAPH

The Office has asserted that claims 1-28 fail to comply with the written description requirement. Specifically, the Office states that the limitations "software information" and "device characteristic information" are not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicants traverse and respectfully submit that the specification specifically mentions the two terms in a passage that states "...the proper management and control of IT operations may also require *information* pertaining to *device characteristics* as well as any *software* installed on the devices." Page 2, lines 18-20 emphasis added; see also page 1, lines 15-21; page 12, lines 6-23. As such, Applicants submit that the terms objected to by the Office comply with the written description requirement. Accordingly, Applicants request that the rejection be withdrawn.

09/816,624   Page 11 of 18

B. REJECTION OF CLAIMS 1-3, 6-7, 10-13, 15-19, 22-25 AND 28 UNDER 35 U.S.C. §102(b)

With regard to the 35 U.S.C. §102(b) rejection over Pulsipher, Applicants assert that Pulsipher does not teach each and every feature of the claimed invention. For example, with respect to independent claims 1, 7, 12, 17 and 23, Applicants submit that Pulsipher fails to teach, *inter alia*, a collection system for collecting device identification and detail information from devices on the network by communicating with each device to retrieve the device identification and detail information. Instead, the passage of Pulsipher cited by the Office teaches "[t]he network monitor discovers and monitors network topology…the network monitor can also receive events from other devices, such as a router, in the network." Col. 7, lines 42-44, 47-49.

To this extent, Pulsipher does not collection information in the same manner as in the claimed invention. The network monitor of Pulsipher is an in-line monitor that monitors network topology as it is passed through the network. This monitoring may include receiving events from other devices. However, Pulsipher simply receives information as it is passed through the network and does not *retrieve* information from the devices in the network. Specifically, in order to "retrieve" something, some action must occur on the part of the one doing the retrieving. This is in contrast to "monitor" and "receive" of Pulsipher in which the one doing the monitoring and/or receiving passively waits for the desired thing. Thus, the monitoring and receiving of Pulsipher does not teach actively retrieving, such as by pinging, information from a particular device.

Furthermore, the receiving and monitoring of Pulsipher is not triggered by the network monitor's communication with the device. Instead, as stated above, the network monitor of Pulsipher is simply placed in a position to intercept communications between devices in the

network. Nowhere does Pulsipher teach that its network monitor retrieves the device

identification and detail information from each device in response to a communication with the

device.

In contrast, the claimed invention includes "…a collection system for collecting device

identification and detail information from devices on the network by communicating with each

device to retrieve the device identification and detail information." Claim 1. As such, the

collection system of the claimed invention does not simply monitor network topology as does the

network monitor of Pulsipher, but instead collects device identification and detail information

from devices on the network by retrieving the device identification and detail information from

each device. Furthermore, the collection system of the claimed invention collects the device

identification and detail information by communicating with each device. Thus, the collection

system as included in the present invention is not taught by the network monitor of Pulsipher.

Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With further respect to independent claims 1, 7, 17 and 23, Applicants respectfully submit

that Pulsipher also fails to teach collecting the device identification and detail information at

predetermined scheduled times. The passages of Pulsipher cited by the Office teach,

> …determining a various sets of topology data with a corresponding set of management
> and/or collection stations by discovering the devices and interconnections situated at
> predetermined respective areas of the network… Col. 3, lines 36-39; and

> When network topology changes on the network, the network monitor generates events,
> or traps (SNMP vernacular), which include an object identifier and object change
> information. The network monitor can also receive events from other devices, such as a
> router, in the network. Col. 7, lines 44-49.

To this extent, the Pulsipher network monitor is a continuously running monitor that issues

events to the topology manager if it detects or is notified of a topology change and not a system

09/816,624   Page 13 of 18

that monitors system topology only at predetermined scheduled times. Col. 7, lines 41-57, specifically lines 54-57. Furthermore, the sharing of data to eliminate polling in Pulsipher indicates that the collection stations can share data (presumably that has already been collected) and does not specify that the actual collection of the data is performed at predetermined scheduled times. Still further, it is the areas of the network in which the devices reside that are predetermined and not the scheduled time for collecting information. Col. 3, lines 36-39.

The claimed invention, in contrast, includes "...collecting the device identification and detail information at predetermined scheduled times." Claim 1. As such, in the claimed invention, the device identification and detail information is collected at predetermined scheduled times, not continuously monitored as in Pulsipher. Furthermore, the times as included in the claimed invention are not generated as a result of a topology change on the network as are the events in Pulsipher, but rather are at predetermined scheduled times. For example, if it is known that certain persons that connect to the network have laptops that are only connected during the morning while others in the same situation only connect during the afternoon, the claimed invention can be scheduled to collect the information at 10:00 a.m., 2:00 p.m. and 4:00 p.m. Pulsipher does not teach this functionality. For the above reasons, the events of Pulsipher do not teach the collecting of device identification and detail information at predetermined scheduled times as included in the claimed invention. Accordingly, Applicants request that the rejection be withdrawn.

With further respect to independent claims 1, 7, 12, 17 and 23, Applicants submit that Pulsipher fails to teach collecting device identification and detail information, wherein the detail information includes device characteristic information and software information. The Office

09/816,624   Page 14 of 18

equates the collecting of device identification and detail information of the claimed invention

with the monitoring of network topology of Pulsipher. Office Action, pages 4 and 5, citing; col.

7, lines 41-57. However, the network topology of Pulsipher is not taught as having both device

identification and detail information, wherein the detail information includes device

characteristic information (e.g., how much RAM a workstation currently has) and software

information (e.g., that workstation A has Microsoft Word™ and/or the software version). To this

extent, Pulsipher does not teach collecting the same type of information as does the claimed

invention. Furthermore, Pulsipher could not collect all of the types of information collected by

the claimed invention, e.g., the device characteristic information and software information

because the communications that Pulsipher monitors to get its information does not contain this

type of information.

In contrast, the claimed invention includes "…collecting device identification and detail

information…wherein the detail information includes device characteristic information and

software information." Claim 1. As such, the detail information of the claimed invention is not

merely network topology as in Pulsipher, but instead includes device characteristic information

and software information. To this extent, the claimed invention can communicate with a device

on the system and retrieve information stating that the device is a Pentium™ 4 machine with 256

MB of RAM running Microsoft Windows 98 SE™ and having Microsoft Word 2000™ installed.

Pulsipher does not teach that this type of information is included in its network topology. Thus,

the collection of device identification and detail information as included in the claimed invention

is not taught by the discovery of topology data in Pulsipher. Accordingly, Applicants

respectfully request that the Office withdraw its rejection.

09/816,624   Page 15 of 18

With respect to dependent claims, Applicants herein incorporate the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicants submit that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

C. REJECTION OF CLAIMS 4-5, 8-9, 14, 20-21 AND 26-27 UNDER 35 U.S.C. §103(a)

With regard to the 35 U.S.C. §103(a) rejection over Pulsipher in view of Steele, Applicants assert that there is no motivation or suggestion in the references themselves or elsewhere in the art for combining the references. Specifically, as argued above, Pulsipher teaches monitoring network topology and receiving events. However, the monitored computers of Steele have the information collected from them, not monitored as it is sent elsewhere. Furthermore, the operating system information is not the type of information that is sent in communications such as those monitored by Pulsipher. Accordingly, a combination of Pulsipher and Steele as proposed by the Office would not function in such a manner as to provide the Pulsipher network monitor with operating system information. Thus, the Office has failed to prove a prima facie case of obviousness. Accordingly, Applicants respectfully request that the Office withdraw the rejection.

With regard to the Office's other arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims listed above. In addition, Applicants submit that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicants will forego addressing each of these

rejections individually, but reserve the right to do so should it become necessary. Accordingly, Applicants respectfully request that the Office withdraw its rejection.
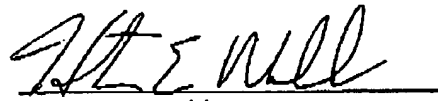
IV. CONCLUSION

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for

allowance. Should the Examiner require anything further to place the application in better

condition for allowance, the Examiner is invited to contact Applicants' undersigned

representative at the number listed below.

Respectfully submitted,

Date: March 13, 2006

Hunter E. Webb
Reg. No.: 54,593

Hoffman, Warnick & D'Alessandro LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)

RAD/hew

09/816,624   Page 18 of 18